

GOA STATE INFORMATION COMMISSION

“Kamat Towers” 7th Floor, Patto Plaza, Panaji, Goa – 403 001

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 102/2022/SIC

Master Sousa Leonardo Caetano,
Sao Bras, Gaundalim, Tiswadi,
Post Office Marcela,
Ilhas Goa – 403107.

-----Appellant

v/s

1. The Public Information Officer,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001.

2. The First Appellate Authority,
Office of the Mamlatdar of Tiswadi,
Panaji-Goa 403001.

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 27/12/2021
PIO replied on	: Nil
First appeal filed on	: 23/02/2022
First Appellate Authority passed order on	: Nil
Second appeal received on	: 11/04/2022
Decided on	: 26/09/2022

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO) and Respondent No. 2, First Appellate Authority (FAA), came before the Commission on 11/04/2022. It is the contention of the appellant that, PIO has not furnished any information and the first appeal was not heard and disposed by the FAA.
2. Notice was issued to the concerned parties, pursuant to which appellant appeared in person praying for information. PIO did not appear initially, however later on 11/07/2022 Ms. Anusha Gaonkar, present PIO appeared in person and filed a reply on 08/08/2022.
3. PIO stated that, the first appeal pertaining to the subject matter is pending before the First Appellate Authority and the appellant preferred second appeal before the first appeal was disposed by FAA.

The first appeal before the FAA was fixed on 17/06/2022 for furnishing the documents, but due to the elections to Village Panchayats the matter had to be postponed. In view of this, the present appeal may be remanded to FAA for disposal.

4. Appellant was given an opportunity to register his say, yet he did not appear on three occasions, nor filed any say. This being the case, the Commission concludes that, the matter may be remanded to the FAA for disposal as per the request of the PIO, wherein the present PIO can get an opportunity to furnish the information or to justify the denial of information.
5. In the background of facts mentioned above, the matter needs to be remanded to the First Appellate Authority, hence the present appeal is disposed with the following order:-
 - a) The matter is remanded to the First Appellate Authority, Mamlatdar of Tiswadi, Panaji-Goa and the FAA is directed to dispose the appeal as provided by the law.
 - b) Appellant shall have the right to file second appeal under Section 19 (3) of the Act, if aggrieved by the order of FAA within the period of limitation.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-
Sanjay N. Dhavalikar
State Information Commissioner
Goa State Information Commission

Panaji - Goa